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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,834	01/17/2001	Harold C. Fleischer III	P20344	4921
7055	7590	01/28/2005		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER UBILES, MARIE C	
			ART UNIT 2642	PAPER NUMBER

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	Application No. 09/760,834	Applicant(s) FLEISCHER ET AL.	
	Examiner Marie C. Ubiles	Art Unit 2642	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 1-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Amendment B filed on April 16, 2004 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-23 are still pending in this application, with claims 1, 6-7, 12-13, 16 and 20 being independent. The previous grounds for rejection and arguments set forth by Examiner Sadiki Mwanyoha in the Office Action mailed January 13, 2004 have been maintained. New limitations and arguments set forth by Applicant in Amendment B, will now be addressed by Examiner Marie Ubiles.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted step(s) are: to which element/device/location the “unformatted sampled data from the SCP/ call processor” is forwarded.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1-2, 4-7, 9-10, 12-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and further in view of Schlossman (US 5,734,705).

The previous office actions (papers number 5 and 7) are hereby incorporated by reference.

As for claim 1, the new limitation specifying “a query comprising unformatted data”, is disclosed by Sbisa ('853), the ‘query’ claimed by the Applicants may be read in “service request” disclosed by Sbisa’s ('853) system (*See for example, Col. 5, lines 19-31*). In regards to the “unformatted data”, it is obvious that the data would be “unformatted data” before being going to the process of being formatted.

As for claims 6-7, 12-13, 16 and 20, the new limitations in regards to the same matter discussed above are rejected for the same reasons stated for claim 1.

5. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Sbisa (US 2002/00900741).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Sapra et al. (US 5,940,485).

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7. Claims 11, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Mott et al. (US 2002/0094070).
8. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolting (US 6,282,267) in view of Sbisa (US 5,793,853) and Schlossman (US 5,734,705), and further in view of Herbert (US 5,333,183).

***Response to Arguments***

9. Applicant's arguments filed April 16, 2004 have been fully considered but they are not persuasive.

In regards to Applicants' argument in regard to Sbisa ('859) not receiving "the data in standard queries from the switches", as explained above by the Examiner, the 'query' claimed by Applicants may be read in "service request" disclosed by Sbisa's ('853) system (*See for example, Col. 5, lines 19-31*).

In regards to Applicants' argument regarding that Sbisa's ('859) "SCP does not forward unformatted data", the Examiner stated above that the limitation is omitting steps. It is not recited in the claims to where this "unformatted data" is forwarded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles  
December 27, 2004.

*\* Note : It is well known in the art that a Centrex service merely provides software emulation of a PBX within a public switching center.*

  
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SUPERVISORY PATENT EXAMINER  
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